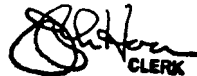


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 11 2009

CLERK

JAMES E. BUCK, for himself
and as executor of the
Estate of Morgan Nevin Lewis,

Plaintiff,

vs.

NATIONAL EDUCATION
ASSOCIATION; THE PRUDENTIAL
INSURANCE COMPANY OF AMERICA;
NATIONAL EDUCATION
ASSOCIATION'S MEMBER
BENEFITS CORPORATION,

Defendants.

CIV 09-4091

ORDER FOR
FORM 52 REPORT AND
SCHEDULING INFORMATION

Pursuant to the terms of Fed. R. Civ. P. 26(f), within thirty days following the appearance of a Defendant, or within sixty days after the Complaint has been served on a Defendant, the parties shall meet to discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by subdivision (a)(1), to discuss any issues about preserving discoverable information, and to develop a proposed discovery plan. Counsel shall hold their Rule 26(f) meeting, and shall jointly prepare and file with the Clerk of Court a complete written report of the 26(f) meeting. The written report shall be filed within thirty days of the date of this Order. The report shall comply with Form 52, Report of Parties' Planning Meeting, and shall include the following:

1. The following persons participated in a Rule 26(f) conference on [date] by [state the method of conferring]:
2. Initial Disclosures. The parties [have completed][will complete by ____] the initial disclosures required by Rule 26(a)(1).
3. Discovery Plan. The parties propose this discovery plan:

(Use separate paragraphs or subparagraphs if the parties disagree.)

- (a) Discovery will be needed on these subjects (describe):
 - (b) Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.
 - (c) Maximum number of interrogatories by each party to another party, along with the dates the answers are due.
 - (d) Maximum number of requests for admission, along with the dates responses are due.
 - (e) Maximum number of depositions by each party.
 - (f) Limits on the length of depositions, in hours.
 - (g) Dates for exchanging reports of expert witnesses.
 - (h) Dates for supplementation under Rule 26(e).
4. Other Items:
- (a) A date if the parties ask to meet with the court before a scheduling order.
 - (b) Requested dates for pretrial conferences.
 - (c) Final dates for the plaintiff to amend pleadings or to join parties.
 - (d) Final dates for the defendant to amend pleadings or to join parties.
 - (e) Final dates to file dispositive motions.
 - (f) State the prospects for settlement.
 - (g) Identify any alternative dispute resolution procedure that may enhance settlement prospects.
 - (h) Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.
 - (i) Final dates to file objections under Rule 26(a)(3).

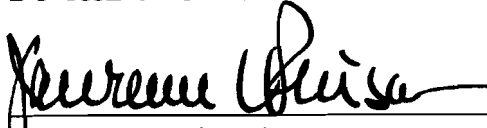
(The Court will normally order that the witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists shall be submitted ten (10) working days before trial, with the final time for the parties to file objections under Rule 26(a)(3) being five (5) working days before trial. If the parties suggest a different timetable, please explain the reason for the differences for the Court's consideration.)

- (j) Suggested trial date and estimate of trial length.
 - (k) Other matters.
- 5. Do the parties agree that the trial as well as all other proceedings subsequent to the return of the Rule 52 Report be conducted by Magistrate Judge John E. Simko?
 - 6. Would an early settlement conference before Judge Simko be of assistance in reaching an early settlement? If not, why not?
 - 7. Description of the case.
 - (a) A brief narrative of the facts giving rise to the lawsuit, description of legal claims and defenses.
 - (b) A brief statement of the material issues to be resolved.

(Date and sign - see Form 2.)

Dated this 11th day of September, 2009.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
DEPUTY